

RECEIVED
CENTRAL FAX CENTER

OCT 14 2005

VALERIE G. DUGAN
BRIAN M. DUGAN, Ph.D.DUGAN & DUGAN, PC
PATENTS, TRADEMARKS & COPYRIGHTS
55 SOUTH BROADWAY
TARRYTOWN, NY 10591(914)332-9081 TELEPHONE
(914)332-9082 FACSIMILE
DUGANEMAIL@DUGANPATENT.COMFACSIMILE COVER SHEET

October 14, 2005

PLEASE DELIVER THE ATTACHED MESSAGE TO:

Examiner: Khoi H. Tran Phone No.: (571) 272-6919
Fax No.: (571) 273-8300
From: Steven M. Santisi

Our File No.: Docket No. 7957/DISPLAY/AHRDWR/RKK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shinichi Kurita and Emanuel Beer
Serial No. : 10/782,507
Filed : February 19, 2004
For : METHODS AND APPARATUS FOR POSITIONING A
SUBSTRATE RELATIVE TO A SUPPORT STAGE
Examiner : Khoi H. Tran
Group Art Unit : 3651

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 5

* * *

THIS FACSIMILE IS INTENDED ONLY FOR THE USE OF THE
ADDRESSEE. THE CONTENT OF THIS FACSIMILE IS PRIVILEGED
AND CONFIDENTIAL. IF YOU HAVE RECEIVED THIS FACSIMILE
IN ERROR, OR IF YOU HAVE NOT RECEIVED LEGIBLE COPIES OF
ALL PAGES, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY.

* * *

Docket No. 7957/DISPLAY/AHRDWR/RKK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

OCT 14 2005

Re: Inventor(s): Shinichi Kurita and Emanuel Beer
Title: METHODS AND APPARATUS FOR POSITIONING A SUBSTRATE
RELATIVE TO A SUPPORT STAGE
Serial No.: 10/782,507
Filed: February 19, 2004
Examiner: Khoi H. Tran
Group Art Unit: 3651

Transmitted herewith is:

☒ Response to Restriction Requirement

FEE CALCULATION					
Fee Items	Highest No. of claims previously paid	Present No. of claims filed	Extra Claims	Fee Rate	Total
Total Claims				X \$50.00	\$0.00
Independent Claims				X \$200.00	\$0.00
Basic Filing Fee				\$770.00	PAID
TOTAL FEES					\$0.00

☐ The Commissioner is hereby authorized to charge \$0.00 to Deposit Account No. 04-1696.

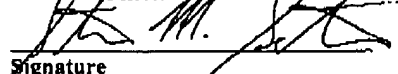
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1696. A duplicate copy of this transmittal is enclosed.

☒ Please address all future correspondence to: Customer # 41161
Dugan & Dugan, PC
55 South Broadway
Tarrytown, NY 10591

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

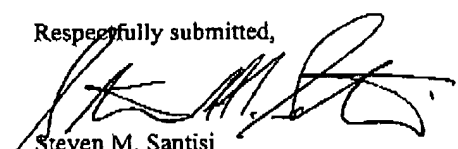
I hereby certify that, on the date shown below, this correspondence is being:

☒ transmitted by facsimile to the U.S. Patent and Trademark Office.


Signature
October 14, 2005
Date

Steven M. Santisi
(name of person certifying)

Respectfully submitted,


Steven M. Santisi
Registration No. 40,157
(914) 332-9081

OCT 14 2005

7957/DISPLAY/AHRDWR/RKK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Shinichi Kurita and Emanuel Beer
Serial No. : 10/782,507
Filed : February 19, 2004
For : METHODS AND APPARATUS FOR POSITIONING A
SUBSTRATE RELATIVE TO A SUPPORT STAGE
Examiner : Khoi H. Tran
Group Art Unit : 3651
Customer No. : 41161
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

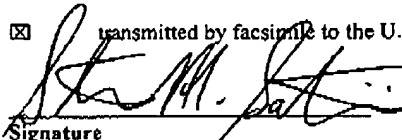
RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Examiner's Office Action dated September 14, 2005 in the above-identified application, Applicants elect Group I (Claims 1 through 10) without traverse. Applicants further elect Species II (the embodiment represented by Figure 6) with traverse.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

☒ transmitted by facsimile to the U.S. Patent and Trademark Office.
SignatureOctober 14, 2005
DateSteven M. Santisi
(name of person certifying)

Applicants respectfully traverse the Examiner's requirement to elect between Species I (the embodiment represented by Figure 2) and Species II (the embodiment represented by Figure 6). Figures 2 and 6 depict exemplary embodiments of two different pushing devices for use with the system claimed in Group I (Claims 1 through 10). Thus, the claims of Group I, which do recite pushing devices, may employ either embodiment and/or any other pushing device that includes the features of the claims.

Applicants respectfully assert that there is no basis for the Examiner to require Applicants to further elect a particular embodiment of an element of a claim "to which the claims shall be restricted if no generic claim is finally held to be allowable" as the Examiner asserts on Page 4, lines 2 through 9 of the current Office Action. Despite the Examiner's implication to the contrary, 35 U.S.C. Section 121 does not contain any such requirement. Applicants respectfully request that the Examiner provide such a basis or withdraw this requirement. The Examiner is respectfully reminded that 35 U.S.C. Section 121 describes divisional applications:

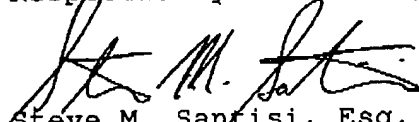
If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions. If the other invention is made the subject of a divisional application which complies with the requirements of section 120 of this title it shall be entitled to the benefit of the filing date of the original application. A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application. If a divisional application is directed solely to subject matter described and claimed in the original application as filed, the Director may dispense with signing and execution by the inventor. The validity of a patent shall not be questioned for failure of the Director to require the application to be restricted to one invention.

35 U.S.C. Section 121

Clearly there is no requirement of further restricting the meaning of a claim element to a particular embodiment within a restricted group of claims. Clarification is respectfully requested.

Applicants do not believe any additional fees are due regarding this Response. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,



Steve M. Santisi, Esq.
Registration No. 40,157
Dugan & Dugan, PC
Attorneys for Applicants
(914) 332-9081

Dated: October 14, 2005
Tarrytown, New York